

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE.

1860.

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Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

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SECT. 9. If any suit or proceeding in equity shall at any time be instituted before the supreme judicial court, by or against the savings bank, nothing contained in this act shall prevent the court from making any decrees and orders touching the funds and property of the bank, which shall be within the jurisdiction and powers of the court as a court of equity, under the general laws of this state; and upon any order or decree duly made in such case, the interest, which the bank may hold in any of the stock authorized by this act, may be sold and transferred.

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Suits or proceedings in equity.

SECT. 10. The number of corporate members of the Portland Savings Bank shall not be less than ten, nor more than twenty. Seven members shall constitute a quorum. At any legal meeting, they may establish a by-law providing that any members who shall fail to attend the annual meeting, for two successive years, or who shall remove from this state, shall cease to be members.

Corporate members not less than twenty.

By-laws.

SECT. 11. This act shall take effect when approved.

[Approved March 19, 1860.]

**Chapter 468.**

An act to authorize the city of Gardiner to lend its aid in the construction of an extension of the Androscoggin Railroad from the town of Leeds to the city of Gardiner.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECT. 1. The city of Gardiner is hereby authorized to loan its credit to the Androscoggin Railroad Company, to aid in the construction of an extension of their railroad, from any point in its present road in the town of Leeds to the said city of Gardiner, in a sum not exceeding one hundred and fifty thousand dollars, subject to the following provisions, terms and conditions.

Gardiner authorized to loan its credit to the Androscoggin Railroad Co.

Amount.

SECT. 2. If this act shall be accepted, as is hereinafter provided, and the directors of said company shall, within nine months from the time of its acceptance by said city, produce satisfactory evidence to the mayor and aldermen of said city for the time being, that five miles of said extension is completed and in readiness for the cars, they shall certify that fact to the city treasurer for the time being, and he shall thereupon issue to the directors of said company fifty thousand dollars of the scrip of said city, payable to the holder thereof in thirty years from its date, with coupons for interest attached, payable semi-annually; and if in fifteen months from its acceptance as aforesaid, the said directors shall prove satisfactorily to the mayor and aldermen that five miles more of said

Terms and conditions.

Scrip, when to be issued.

—amount of.

## CHAP. 468.

extension is completed and in readiness for the cars, they shall in like manner as before, certify the fact to the city treasurer, and he shall forthwith issue to said directors fifty thousand dollars more of said scrip. If the whole of the extension shall be completed and in running order in two years from the acceptance of this act by said city, and satisfactory proof of such completion is produced by the directors of said company to the mayor and aldermen of said city, they shall as before, certify such fact to the city treasurer, and forthwith he shall issue to said directors the remaining fifty thousand dollars of said scrip; *provided nevertheless*, that if it shall be mutually so agreed by the mayor and aldermen of said city and the directors of said company, a less amount may be issued.

—further amount.

—further amount.

Proviso.

Scrip, bond for payment of, &c.

SECT. 3. Concurrent with the issuing and delivery of said city scrip as aforesaid, in each case the president and directors of said company, in their official capacity, shall execute and deliver to the said treasurer the bond of said company, the penal sum in each bond to be double the amount of the scrip authorized to be issued at that time; said bonds shall be made payable to said city, and shall be conditioned that said company will duly pay the interest on such scrip of said city as shall be issued at the time of the date of the bonds respectively, and also the principal thereof, according to the tenor of the scrip, and in all respects will hold and save harmless the said city on account of the issue of the same. The said president and directors of said company shall also, in each case of the issuing of the scrip of said city, as provided in section two of this act, and simultaneously therewith make, execute and deliver to the said city treasurer the scrip of said company payable to the holders thereof, at the same time and for the same amount as the scrip then issued by said treasurer to said company, with like coupons for the interest attached; which said scrip shall be held by said city as collateral security for the fulfillment of the conditions of the said bonds; and in default of any one of said conditions, said city may from time to time sell said scrip, or any portion thereof, by public auction or auctions, in the cities of Gardiner, Portland, Boston or New York, or either of them, after sixty days notice in writing to the president, or one of the directors, or any three of the stockholders of said company, naming therein the time and place of sale. The net proceeds of all such sales shall be endorsed on one of the said bonds.

Scrip of company, delivery of.

—to be held as collateral.

—in default, may be sold.

—how and when sold.

Mortgage of road, &c., to secure the fulfillment of conditions of bond.

SECT. 4. The president and directors of said company are hereby authorized, and it shall be their duty in their official capacity, upon the receipt of the first issue of said city scrip, and upon the delivery of their bond to the said city to secure the payment of the same, to execute and deliver to said city treasurer a mortgage of said extension of their railroad from Leeds to Gardiner, and of all

the property of said extension, which they then have or may subsequently acquire, and also the franchise of said extension, without prior incumbrance; and the said mortgage shall be so made as to embrace said extension not only, but also the original road of said company from Leeds to Farmington, and of all the property of said road, including the franchise thereof, subject however to prior uncanceled mortgages upon the same. Said mortgage shall be so made as to cover the city scrip then issued, not only, but all the scrip which may thereafter be issued under the provisions of this act; and being so made, it shall be deemed and held to be good and valid, and a security to said city for all the scrip it may issue to said directors. It shall be signed by the president of said company in his official capacity, and shall be executed according to the laws of this state, and shall be in due and legal form, and shall contain apt and sufficient terms to secure to said city the fulfillment of all the conditions in said bonds contained; and said mortgage so executed and delivered, and recorded in the registry of deeds for the county of Kennebec, shall to all intents and purposes be, and the same is hereby declared to be a full and complete transfer of said extension from Leeds to Gardiner, and of all the property real or personal, then or subsequently to be acquired, and of said franchise, and also a full and complete transfer of the said railroad from Leeds to Farmington, and of all the property of said road, including the franchise thereof, subject to prior uncanceled mortgages on the same; said transfers being subject only to the conditions contained in said mortgage, any law to the contrary notwithstanding. All the proceedings in the organization of said company and choice of directors, shall be deemed valid and regular.

—how executed, recorded, &c.

Organization of company made valid.

Mortgage, foreclosure of.

—notice of, how given.

—record of, how made.

Expiration of.

SECT. 5. For the purpose of foreclosing said mortgage for condition broken, it shall be sufficient for the said mayor and aldermen to give notice according to the mode prescribed in the revised statutes for the foreclosure of mortgages, by publication of notice therefor, which notice may be published in a newspaper printed in Gardiner, and the record thereof may be made within thirty days after the date of the last publication in the registry of deeds for the county of Kennebec, which publication and record shall be sufficient for the purpose of such foreclosure. Upon the expiration of three years from and after such publication, if the conditions of said mortgage shall not within that time have been fulfilled, the foreclosure shall be complete, and shall make the title of said extension and of said road, and to all the property and franchise aforesaid, absolute in said city.

SECT. 6. If the directors of said company, shall, at any time, neglect or omit to pay the interest, which may become due upon any portion of the scrip issued and delivered under the provisions of

In case of neglect of company to pay principal or interest

## CHAP. 468.

of scrip, city of Gardiner may take possession of the road.

Possession, notice of, &c., how given.

—not to be considered a foreclosure.

Receipts of road, how appropriated.

Treasurer of company to pay over to city treasurer.

—when to be made.

this act, or to pay the principal as it shall become due, or to comply with any of the conditions of said bonds, the city of Gardiner may take actual possession in the manner hereinafter provided, of the whole of said railroad, and of all the property, real and personal of the company, and of the franchise thereof, and may hold the same and apply the income thereof, to make up and supply such deficiencies and all further deficiencies that may occur while the same are so held, until such deficiencies shall be fully made up and discharged. A written notice signed by the mayor and aldermen, and served upon the president or treasurer, or any director of the company, or if there are none such, upon any stockholder of the company, stating that the city thereby takes actual possession of the whole line of the railroad, and of the property and franchise of the company, shall be a sufficient actual possession thereof, and shall be a legal transfer of all the same, for the purposes aforesaid to the city, and shall enable the city to hold the same against any other claim thereon until such purposes have been fully accomplished. Such possession shall not be considered an entry for foreclosure under any mortgage hereinbefore provided, nor shall the rights of the city or of the company under any mortgage in any manner be affected thereby.

SECT. 7. All moneys received by or for the railroad company after notice as aforesaid, from any source whatever, and by whomsoever the same may be received, shall belong to and be held for the use and benefit of the city, and in the manner and for the purposes herein provided; and shall, after notice given to persons receiving the same respectively, be by them paid to the city treasurer, which payment, shall be an effectual discharge from all claims of the company therefor; but if any person, without such notice shall make payments of moneys so received, to the treasurer of the company, such payment shall be a discharge of all claims of the city therefor. All moneys received by the treasurer of the company, after such notice or in his hands at the time such notice may be given, shall be by him paid to the city treasurer, after deducting the amount expended, or actually due for the running expenses of the road, for the salaries of the officers of the company, and for repairs necessary for conducting the ordinary operations of the road. Such payments to the city treasurer, shall be made at the end of every calendar month, and shall be by him applied to the payment of all the interest and principal due as aforesaid. And any person who shall pay or apply any moneys received, as aforesaid, in any manner contrary to the foregoing provisions, shall be liable therefor, and the same may be recovered in an action for money had and received, in the name of the city treasurer, whose duty it shall be to sue for the same to be by him held and applied as herein required.

SECT. 8. For the purpose of effecting the objects prescribed in the two preceding sections, the mayor and aldermen may cause a suit in equity to be instituted in the name of the city of Gardiner, in the supreme judicial court, in the county of Kennebec, against said company, its directors, or any other person, as may be necessary for the purpose of discovery, injunction, account, or other relief under the provisions of this act; and any judge of the court may issue a writ of injunction or any other suitable process, on any such bill, in vacation or in term time, with or without notice, and the court shall have jurisdiction of the subject matter of such bill, and shall have such proceedings, and make such orders and decrees, as may be within the powers, and according to the course of proceedings of courts of equity, as the necessities of the case may require.

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Injunction, &c.

—writ of.

SECT. 9. If the railroad company shall after notice of possession as aforesaid, neglect to choose directors thereof, or any other necessary officers, or none such shall be found, the mayor and aldermen of the city shall appoint a board of directors consisting of not less than seven persons, or any other necessary officers, and the persons so appointed shall have all the power and authority of officers chosen or appointed under provisions of the act establishing said company, and upon their acceptance, such officers shall be subject to all the duties and liabilities thereof.

Directors, how  
chosen in case  
of neglect by  
company.

SECT. 10. The city shall appoint one of the directors of said railroad company, from among the stockholders, who shall be chosen annually, by the city council in joint ballot, before the annual meeting of said company for the choice of their officers, who shall have the same authority in transacting the business of said company, and who shall be entitled to like compensation from the company as any other director. But the right to choose such director shall cease when the loan contemplated is extinguished.

—one shall be  
appointed from  
among the  
stockholders.

—right to  
choose, when  
to cease.

SECT. 11. As an additional or accumulative protection for said city, all liabilities which by said city may be assumed or incurred under or by virtue of any of the provisions of this act, shall at the time, and by force thereof, and for the security and payment of the same create in favor of said city, a lien on the whole of said railroad, its franchise, and all of its appendages, and all real and personal property of said railroad corporation, which lien shall have the preference and be prior to all other liens and incumbrances whatever, on the said extension from Leeds to Gardiner, and on the road from Leeds to Farmington, and on all the other property of said railroad corporation, subject only to prior uncanceled mortgages; and said lien shall be enforced, and the rights and interests of said city protected when necessary, by suitable and proper judgments, injunctions or decrees of said supreme judicial court,

Additional or  
accumulative  
protection.

—lien created.



## CHAP. 469.

—not waived,  
&c.

Act, accept-  
ance of, &c.

on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act or otherwise.

SECT. 12. This act shall not take effect, unless it shall be accepted by said company, within six months from and after its approval; and also, by said city, by a vote of the legal voters thereof voting in ward meetings duly called, according to law, within six months from and after its approval; and at least two thirds of the legal voters of said city, present and voting at said meetings as aforesaid, shall be necessary for the acceptance of this act, on the part of the city; nor shall this act take effect, unless said road from Leeds, shall enter said city of Gardiner, and shall terminate therein, at some point between the north line of said city and the depot of the Kennebec and Portland Railroad in said city. The returns of said ward meetings shall be made to the mayor and aldermen of said city, and shall be by them examined and the state of the vote ascertained and declared, and the city clerk shall make a record thereof, and if the act shall be accepted as aforesaid, then after such acceptance and record thereof, all the parts of the act shall take effect and be in full force thereafter.

SECT. 13. The provisions of this act shall be in force from and after its approval by the governor.

[Approved March 19, 1860.]

### Chapter 469.

An act in addition to an act to incorporate the Casco Iron Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Authorized to  
contract addi-  
tional debt of  
\$50,000.

The Casco Iron Company, is hereby authorized, in addition to the sum for which they may become indebted under existing laws, to contract a debt to the amount of fifty thousand dollars to be evidenced by the scrip or bonds of said company secured by a mortgage on its personal and real estate; and such loan so secured shall not subject the individual stockholders of said corporation to any additional liability by reason thereof; and the scrip or bonds of said company issued in pursuance of the provisions of this act, shall have printed thereon in full, a plain statement of the security on which said scrip or bonds are based.

[Approved March 19, 1860.]